

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
3:15-cv-00494-RJC

MONTEGA EVERETT,)	
)	
Plaintiff,)	
)	
v.)	
)	<u>ORDER</u>
CAROLYN W. COLVIN,)	
Acting Commissioner of)	
Social Security Administration,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Defendant's Consent Motion for Reversal and Remand. (Doc. No. 13). Under sentence four of 42 U.S.C. § 405(g), “[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” See also Shalala v. Schaefer, 509 U.S. 292, 296–97 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991).

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Government's request to remand this action for further administrative proceedings, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings, including a supplemental hearing.

Upon remand, the Administrative Law Judge shall: (1) hold a supplemental hearing; (2) explain what weight is afforded to all opinions found in the record; (3) evaluate anew Plaintiff's

impairments; (4) complete a full function-by-function analysis in accordance with Social Security Regulations; (5) reconsider Plaintiff's residual functional capacity ("RFC") and clearly explain the RFC finding; (6) further evaluate Plaintiff's subjective complaints and explain the credibility finding; (7) if necessary, obtain supplemental testimony from a vocational expert; (8) and issue a new decision.

Because this matter is hereby remanded to the Commissioner, Plaintiff's Motion for Summary Judgment, (Doc. No. 11), is **moot** and shall be **dismissed**.

IT IS, THEREFORE, ORDERED that, for good cause shown:

1. Defendant's Consent Motion to Remand, (Doc. No. 13), is **GRANTED**. The Court hereby **REVERSES** the decision of the Commissioner and **REMANDS** this case for further administrative proceedings.
2. Plaintiff's Motion for Summary Judgment, (Doc. No. 11), is **DISMISSED as moot**.
3. The Clerk of Court is directed to enter a separate judgment pursuant to Federal Rule of Civil Procedure 58 and to close this case.

Signed: May 9, 2016



Robert J. Conrad, Jr.
United States District Judge

